

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

FC 2008-070656

01/28/2009

HONORABLE WILLIAM L. BROTHERTON JR.

CLERK OF THE COURT
L. Glenn
Deputy

IN RE THE MATTER OF
MICHELLE MARIE SEFCOVIC

JULIUS F HARMS III

AND

BENJAMIN P SWEET

MICHAEL E HURLEY

AZ DEPARTMENT OF VITAL
RECORDS
TASC - PHOENIX
DOCKET-NW
FAMILY COURT SERVICES-CCC

MINUTE ENTRY

1:45 p.m. This is the time set for Trial. Petitioner/Mother, Michelle Sefcovic, is present with counsel, Julius F. Harms III. Respondent/Father, Benjamin Sweet, is present with counsel, Michael E. Hurley.

A recording of this proceeding is made by CD and videotape in lieu of a court reporter.

The Court notes that Court met briefly with counsel in chambers prior to the start of the Trial, and some additional agreements were reached.

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Michelle Sefcovic and Benjamin Sweet are sworn.

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

FC 2008-070656

01/28/2009

THE COURT FINDS that the parties have reached an agreement in this case which is more fully set forth on the record as follows:

- Father shall have parenting time on alternating Saturdays and Sundays, effective next weekend from 12:00 p.m. to 5:00 p.m. each day. This parenting time will continue for 90 days. A third party shall be designated to facilitate the exchange.

- Father shall participate in a hair follicle test on the following basis:

A. Father shall be tested at one of the following TASC locations:

TASC, Inc.
2234 North 7th Street
Phoenix, AZ 85006
602-254-7328

TASC, Inc.
5955 West Myrtle Avenue
Suites 2-4
Glendale, AZ 85301
623-842-4535

TASC, Inc.
423 North Country Club Drive
Suite 19
Mesa, AZ 85201
480-898-1849

B. Father shall undergo a one-time hair follicle.

C. Father shall cooperate fully as reasonably required by the testing agency to comply with this Order, including:

1. Father shall provide such samples as are reasonably required by the testing agency to comply with this order.

2. Father shall timely report for testing.

3. Father shall present photo identification to the testing agency at the time of each test, along with any prescription medications currently being taken.

4. Father shall sign and deliver such forms of consent, authorization and release of test results as shall be reasonably required by the testing agency to comply with this Order.

D. Father shall pay for the cost of testing (\$65.00 for the hair follicle test).

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

FC 2008-070656

01/28/2009

- If the test results are negative for all substances screened for, then Father's after 90 days, Father's parenting time shall be on alternating weekends from Friday at 5:00 p.m. to Sunday at 5:00 p.m.

- Mother is designated as primary residential parent.

Mother and Father testify that they have heard and understood the agreement as stated on the record and that it is accurate.

THE COURT FURTHER FINDS that the agreement of the parties is not unfair, is reasonable, and is in the best interests of the parties' minor children.

THE COURT FINDS that the parties have knowingly, voluntarily, and intelligently entered into the agreement without duress or coercion, and that the parties are fully informed as to the contents of this agreement.

IT IS ORDERED approving the agreement of the parties as a binding agreement, pursuant to Rule 69, Arizona Rules of Family Law Procedure.

William L. Founds and Gene L. Swigart are sworn.

Michelle Sefcovic testifies.

Benjamin P. Sweet testifies.

Cross-examination.

William L. Founds testifies.

Cross-examination.

Based upon the information provided and the testimony presented,

IT IS ORDERED entering a Judgment of Paternity and finding as follows:

1. Michelle Marie Sefcovic, born October 23, 1978, is the mother of

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

FC 2008-070656

01/28/2009

2. Michelle Marie Sefcovic was not married ten (10) months prior to the birth of the child or at the time of the birth of the child; and
3. Benjamin P. Sweet, born March 2, 1974, is the biological Father of Connor F. Sweet, born March 2, 2006 and Patrick D. Sweet, born March 2, 2006.

IT IS FURTHER ORDERED that a new birth certificate shall be issued for the minor child and/or be amended or supplemented if the name of the biological father does not appear on the original certificate. In order to accomplish this, Father will need to obtain a certified copy of this minute entry from the Clerk of Court filing counter approximately ten days after receipt of the same by mail (Fee: \$26.00). Father will also need to complete an Application to Amend Birth Certificate from the Office of Vital Records, Department of Health Services. Father will then need to present the certified copy of this minute entry and the Application to Amend Birth Certificate to the Office of Vital Records so that the birth certificate can be amended or supplemented as ordered above.

Having calculated two Child Support Worksheets based on current information with respect to parenting time,

THE COURT FINDS that the relevant financial factors required to be included, and the discretionary allowances and adjustments which the Court will allow, for a current calculation of child support pursuant to the Arizona Child Support Guidelines are as set forth in the Child Support Orders and Child Support Worksheets filed and incorporated herein by reference.

IT IS ORDERED that Father shall pay Mother child support in the sum of \$662.05 per month, payable through the Support Payment Clearinghouse on the 1st day of each month, effective February 1, 2009 through April 30, 2009. An electronic Order of Assignment shall be is issued.

IT IS FURTHER ORDERED that, pursuant to the above parenting time orders, Father shall pay Mother \$623.55 per month as and for child support, effective May 1, 2009, payable through the Support Payment Clearinghouse on the 1st day of each month by wage assignment. An electronic Order of Assignment shall be issued.

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

FC 2008-070656

01/28/2009

IT IS FURTHER ORDERED that at any time an Order of Assignment is not paying the child support obligation in full, Father shall make full and timely payments directly to the Clearinghouse in accordance with the "Instructions for Making Support Payments Through the Clearinghouse" attached hereto.

THE COURT FINDS that Father owes Mother child support arrearages in the amount of \$5,296.40 from June 1, 2008 through January 31, 2009.

IT IS FURTHER ORDERED that Father shall also pay the sum of \$100.00 per month in addition to the current child support payment toward the child support arrearage in this case until the arrearage has been paid in full.

IT IS ORDERED that the Clerk permanently release all exhibits not offered in evidence to the counsel/party causing them to be marked, or to their written designee. Counsel/party shall have the right to refile relevant exhibits as needed in support of any appeal. Refiled exhibits must be accompanied by a Notice of Refiling Exhibits and presented to the Exhibits Room of the Clerk's Office. The Court's exhibit tag must remain intact on all refiled exhibits.

IT IS FURTHER ORDERED that counsel/party or written designee take immediate possession of all exhibits referenced above.

2:35 p.m. Trial adjourns.

IT IS FURTHER ORDERED signing this minute entry as a formal order of the Court pursuant to Rule 81, Arizona Rules of Family Law Procedure.

Date: February 3, 2009

/s/ The Honorable William L. Brotherton, Jr.
The Honorable William L. Brotherton, Jr.
Judge of the Superior Court

All parties representing themselves must keep the Court updated with address changes. A form may be downloaded at: <http://www.superiorcourt.maricopa.gov/SuperiorCourt/Self-ServiceCenter>.